

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Edward J. Kaplan

Serial No.: 10/665,793

Art Unit: 1618

Filed: September 19, 2003

Examiner: Jagadishwar Rao Samala

For: *FLEXIBLE AND/OR ELASTIC BRACHYTHERAPY SEED OR STAND*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. § 1.56 and 37 C.F.R. § 1.97, Applicant submits a Supplemental Information Disclosure Statement, including three (3) pages of Form PTO-1449, and copies of fourteen (14) documents cited therein. Pursuant to the waiver in the notice entitled "Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications Filed After June 30, 2003" published on August 5, 2003 in 1273 OG 55, copies of the U.S. Patents are not enclosed. Copies will be provided upon request, however.

This Supplemental Disclosure Statement is being filed with an Amendment and Response that includes a Request for Continued Examination (RCE). Therefore, this Supplemental Information Disclosure Statement is being filed under 37 C.F.R. § 1.97(b) prior to a first Office Action on the merits after an RCE. It is believed that no fee is required with this submission.

However, should a fee be required, the Commissioner is hereby authorized to charge any required fees to Deposit Account No. 50-3129.

### U.S. Patents

<u>Number</u>	<u>Issue Date</u>	<u>Patentee</u>	<u>Class/Subclass</u>
6,426,145	07-30-2002	Moroni	428/412
6,746,661	06-08-2004	Kaplan	424/1.25
7,083,566	08-01-2006	Tornes, et al.	600/3

### Publications

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BLOCH, et al., "Prostate postbrachytherapy seed distribution: comparison of high-resolution, contrast-enhanced, T1- and T2-weighted endorectal magnetic resonance imaging versus computed tomography: initial experience", *Int. J. Radiat. Oncol. Biol. Phys.*, 69(1):70-8 (2007).

CHEN and BLAIR, "Th-B-224C-01: Permanent prostate brachytherapy using plastic palladium-103 seeds", *Med. Phys.*, 33(6): 2264 (2006). (Abstract)

CHUBA, et al., "A Case of Strand Migration after Prostate Seed Implant," Poster: ESTRO (2006).

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KUNOS, et al., "Migration of implanted free radioactive seeds for adenocarcinoma of the prostate using a Mick applicator", *Brachytherapy*, 3(2):71-7 (2004).

LEENSTRA, et al., "Prostate dimensions and volume in 700 patients undergoing primary surgical or radiotherapeutic management of localized adenocarcinoma: Implications for design of minimally invasive prostate cancer devices", *Int. J. Radiat. Oncol. Biol. Phys.*, 69(3) Supplement: S380-S381 (2007).

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OSTERTAG, et al., "Sequential morphological changes in the dog brain after interstitial iodine- 125 irradiation", *Neurosurgery*, 13(5):523-8 (1983).

PINKAWA, et al., "Evaluation of source displacement and dose--volume changes after permanent prostate brachytherapy with stranded seeds", *Radiother. Oncol.*, 84(2):190-6 (2007).

### Remarks

This statement should not be interpreted as a representation that an exhaustive search has been conducted or that no better art exists. Moreover, Applicant invites the Examiner to make an independent evaluation of the cited art to determine its relevance to the subject matter of the present application. Applicant is of the opinion that his claims patentably distinguish over the art referred to herein, either alone or in combination.

Respectfully submitted,

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